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ART. V. — *On International Copyright ; in a Letter to the Hon. William C. Preston, Senator of the United States.*
By FRANCIS LIEBER. New York. Wiley & Putnam.
1840. 8vo. pp. 67.

BOOKS, once a rarity and luxury, are now among the most familiar of familiar things ; and this very familiarity may induce a reader entirely to forget or overlook their authors. It does not occur to all, in turning the leaves of one of those little volumes, to reflect upon the protracted working of the brain, the lassitude of the body, and the prevention often of the night-watches, which have given birth to the pages that they have traversed in haste, or but dipped into, to serve some present and passing purpose. They have not a thought of the deep anxiety fast settling into disease, or the flushed excitement amounting almost to insanity, with which the timid student or the ambitious child of imagination may have waited for the issue of the fruit of his toil from the dark and mysterious hands of the printer into the broad day-light of actual publication. Yet the records of literary history are full of the pains with which the surcharged feelings of the heart have overwhelmed the unhappy man of letters. The strained fibres have too often cracked asunder, and the misery and the life of the unfortunate author have ended together. We will mention, in this place, the cases of but two writers, as a specimen of the wear and tear of sentiment to which a surrender to intellectual pursuits as a means of subsistence, too frequently subjects the votary of literature.

When we repeat the homely title of “ Sally in our Alley,” it may awaken in our readers, of the one sex at least, reminiscences of a time, when the chanting of those lines, accompanied perhaps by the melodious whistle of some musical companion, has excited a passing tender or even romantic aspiration after an absent “ darling of the heart,” though the name of *Carey*, the author of the ballad, may have been altogether unknown. No Englishman, however, can fail to have heard of the man to whom his country stands indebted for both the words and the music of “ God save the King ” ; and appreciating, as Americans do, the national enthusiasm, which recognises, with an instant movement both of the head and of the heart, the sound, let it reach us when it will, of our own

“Hail Columbia” or “Star Spangled Banner,” we can well sympathize with the sons of our fathers in their exulting sensations at the swell of their glorious national anthem. And yet, while poor Carey’s songs and his music were heard from one end of England to the other, and as he walked the streets of London or loitered around its theatres, where, perhaps, some of his dramas were then amusing a crowded house, and the familiar echo of his own compositions could scarce fail to reach his ears, the sense of his utter destitution and of the absolute disappointment of his hopes of independence or competence was gnawing at his heart, and driving his mind into the horrid conception of self-murder. To this sad fate was he at last impelled by the despair of ill-regulated feeling, and when found dead by his own violent hands, a single half-penny in a corner of his pocket formed the whole moneyed fortune of the luckless Henry Carey.

The name of *Collins*, a name fairly ranked among the highest on the scroll of poetic fame, is of course more familiar to the readers of English verse, than that which we have just mentioned. His imagination, vivid and unrestrained, rendered him a martyr to the lyre, and finally made shipwreck both of his reason and his life. There is a tenderness in his thoughts, and a freshness in his poetic pictures, which none of his fellows have surpassed. Disappointment however succeeded to disappointment in his literary projects, and eventually broke his spirits, while they repressed his at first vigorous exertions. The harsh Johnson blames him for his *irresolution*. It was, alas ! the stern effect of immediate necessity, and the wavering of a mind broken and confounded by the awful dreariness of his hard lot. The neglect with which his efforts were received seemed to portend, to the ill-starred bard, an oblivion of his name and works, which, to his ardent fancy, was more intolerable than the grave ; and his life, though the scene is relieved by an occasional gleam of sunshine, was on the whole a life of want, unchecked even by that Hope which in his famous Ode he has so beautifully described. Leaving the metropolis at last, utterly disheartened, and consigning to the flames a collection of his odes, “he retreated,” says one who could appreciate his sensations, “to his native city of Chichester, in a state almost of nakedness, destitute, diseased, and wild with despair, to hide himself in the arms of a sister.” But even a sister’s tender care failed

to solace his convulsed intellect ; and though subsequently the death of a relation placed the means of a comfortable support to a certain extent within his reach, yet fortune came too late with her offerings, for his mind had been driven from its moorings, and his restless body roamed through the country in search of that peace, which he was never fully to realize upon earth. He loved to haunt, by day and night, the aisles and cloisters of the Cathedral of his native town, attracted by their dim religious light, and to mingle (often to the dismay of the choristers) his own moans with the chanting of their solemn anthems. Fortunately for the unhappy author, he did not journey entirely without a compass. An English Testament was his constant companion. To the querist, who asked him the name of the work under his arm, he answered, "I have but one book, that however is the best." On his tomb is preserved this record of what Collins looked to in his last days as his comfort amid his trials. In his epitaph it is said, —

"He joined pure faith to strong poetic powers,
And in reviving Reason's lucid hours,
Sought on one book his troubled mind to rest,
And rightly deemed the Book of God the best."

To recur to our first train of thought. Casual observers not unnaturally regard a book as a mere trifle, amid its kindred millions ; as a crumb cast upon the waters, it matters not by whom, and subject to be appropriated at will by the first who may gather it. We propose then, for a brief space, to turn the attention of our readers to the claims of authors ; to the full understanding and recognition of their proprietary rights.

If there be one description of property, which, more than others, challenges protection from governments, and acquiescence from all, it would seem to be that of an author in his works. The civilians tell us, that the right to any thing with a sensible existence, is founded on occupancy alone. To the first powerful appropriator of the soil or its fruit, or to the lucky huntsman of the beasts of the forest, the sympathy of his fellow-men accorded the rights of a proprietor ; and each succeeding advance in the acquisition of wealth and the accumulation of its subjects, is, they say, but the result of the application of man's industry to objects already in being. In

mechanical inventions and improvements, it is the thought indeed, which is of value ; yet this is embodied and exemplified, and made beneficial, only by the new arrangement and combinations of separate portions of matter previously existing.

The fruits of an author's brain have higher and juster claims to consideration. They are, by creation, his. His title to them partakes, in a small degree, of the essence of that power, which called the universe out of the darkness of chaos. A bountiful God has spread out before man, external nature in all her beautiful and useful forms, and offered it to the industry of all alike ; but He has further bestowed upon each individual of the race a store-house of the mind, where he finds deposited a sacred treasure, — by the free gift of Providence, his own. The heaven-born ideal furniture of the brain, who can shape it, who control it, who appropriate it, but its immediate possessor, or the great originator of all things ? The flowers of wit and fancy, more beautiful often than the pictured face of the fairest garden, what stranger may gather them ? The sublime works of the Almighty's own inspiration, more awful than nature's most gigantic forms, or even the terrific strife of contending elements, what spoiler dare seize upon them ?

The question respecting a property of authors in their composition, is now at rest both here and in England ; the decision having been favorable to the abstract right, but against its existence, subsequently to the passage of copy-right laws, except in subservience to the provisions of those laws. These vary in different countries. In England, the author has his copy-right for twenty-eight years certain, and if alive at the end of that term, it lasts during his life. In Denmark, the right is perpetual. In Russia, it extends until twenty-five years after the author's death, and in Holland and Belgium until twenty years thereafter. In Italy and Switzerland, practically, but little protection is granted. In France, the right is conferred by special laws ; and finally, in this country, an author is confirmed in his title for the space of twenty-eight years, and if he, or, in case of his decease, his widow, or any of his children, be still living, it may be enjoyed for fourteen years more.

The main argument on the subject has engaged, from time to time, the abilities and the learning not only of the ablest

lawyers, but of some of the most distinguished literary men of Great Britain. It was contended, in opposition to the author's right, that his labor and invention conferred no property beyond the manuscript in which his thoughts are transcribed ; that the moment in which the copy is handed to the printer witnesses the gift of all its contents to the public, and that what was before individual, instantly becomes common. By this doctrine no description of property was admitted, which did not rest upon occupancy. Invention and labor employed upon matter, were said to amount merely to this. But what kind of occupancy could be asserted with regard to merely intellectual ideas ? Property, to become such, must be abstracted by its proprietor from what was before common, so that others may be apprized of the assertion of title. How novel, then, the occupancy of a thought ! How Utopian these new settlements in the domain of fancy ! How fictitious such ideal lodgments ! What ear-mark has an idea ? how distinguish it from the roving crowd ? It is nothing visible ; it can sustain no qualities or incidents ; it exists but in the mind, incapable of acquisition or enjoyment, save by intellectual possession or apprehension. No fraud, no violence can diminish or injure it ; no onset can reach it ; it lies safe in its own immateriality. Further ; what tokens of a particular proprietor have mere ideas ? Is the bare addition of the writer's name to the title-page of his book an essential sign of ownership ? If the property be his, the use of his name is superfluous ; if not, such a prefix can confer no right. Many, too, have written, not for profit, but incited by a nobler ambition. They have panted for fame, and for the good of their fellow-men. Some, less pretending, have ushered forth their works without a name. Should they be in a worse condition than their more ambitious brethren ? Such, it was supposed, are the phantoms that an author would grasp. Queen Mab, it was said, might well rule in the circles where such rights prevail, but they are entirely unsuited to the practical purposes of life.

But higher ground was taken by the opponents of literary property. It was argued, that nature contemplated a community of thought ; that it is the duty of every man to add his drop to the great ocean of ideas and of language, and to swell the constantly increasing tide of literary treasures. From those mines there should be no extracts for coinage. The

government should claim no seignorage, nor individuals demand exclusive dominion ; they should rather cast, with prodigal profusion, their bread upon the waters, looking for a return in the equally lavish generosity of some like favored child of genius. As the highest evidence of this gift to the public, by an author, of the fruits of his intellect, did the advocates of this doctrine regard the very act of publication. By this, he unhinges the door of the cage, and turns loose the bird, to flutter under the free air of heaven, and to fall, too, into the net of the first successful fowler. Like the owner who lays open his land to the highway, the author dedicates his thoughts to the public, unreservedly and irrevocably. No mental reservation can restrain or qualify the gift ; no condition, no art, reclaim or tempt back the fugitive ; but, like the dove from the ark of Noah, having found a resting place, she returns no more to the dwelling of her former master.

To this specious train of reasoning, the substance only of which we have presented, and which is undoubtedly captivating by its ingenuity, it was well answered somewhat after this fashion.

The right claimed for authors is the incorporeal right to the sole printing and publishing of something intellectual, communicated by letters, in a set form of words, sentences, and modes of expression. This is a right detached from the manuscript, or from any physical existence whatsoever. No transfer of the paper on which the composition is impressed, can transfer this right. The position was well illustrated in two cases, both relating to works of standard English literature. We will barely mention them.

Besides the original manuscript, there existed a single copy of Clarendon's celebrated History of the Rebellion. The first, in the possession of the Lord Chancellor's family, was subsequently destroyed by a fire at Petersham, the other had passed into the hands of a Mr. Gwynn. This gentleman, — had his been then the only copy in existence, — possessed the power of destroying, Vandal-like, and for ever, this beautiful work, and of depriving all future time of the profit and pleasure derivable from the perusal of so unique a production. The paper was his. He could have cast the manuscript into the fire without responsibility to any one, and every record of its valuable contents would have disappeared in its ashes. Mr. Gwynn, — and this was at the distance

of one hundred years from its composition, — chose rather to publish the History without the consent of Lord Clarendon's representatives ; and his conduct in various ways cost him very dear. The right of the author's family to the publication of his works was fully vindicated.

The other case was that of Pope's letters. The famous correspondence of this poet with Dean Swift was transferred from the possession of the latter into the hands of a printer ; the notorious Curl, of Dunciad memory. The sheets upon which these letters were written were undoubtedly the property of the Dean. He could have done what he pleased with the mere paper. Pope had retained no copies, and had a very imperfect recollection of their contents. Swift could have lent them to his friends, concealed, or destroyed them ; but it was determined that printing and publishing were not in his power, nor in that of any one, without the consent of the writer. Pope stopped the publication by means of the strong arm of the Court of Chancery.

Upon the principle of this decision, we may remark in passing, rests the sanctity of private correspondence ; its security constituting one of the most delicate and important points in social intercourse. The paper used by us in letter-writing becomes the property of our correspondent. He may tear up or burn our letters ; but the thoughts, the ideas, and the feelings are, and continue, our own ; and without our consent they can never rightfully see the light. Once deny the proprietorship of authors, and the most intimate confidence could be abused with impunity. The ladies, at least, who, it is said, could not exist without a liberal communication of sentiment, will appreciate the value of this right.

Let us, however, resume the argument.

Upon what principle is it maintained, that the right of the author exists *before* publication, and not *after* ? Technical objections to the kind of property hold as well in the one case as the other. Each is equally incorporeal, and without its distinctive marks. When and where did the property in the former case commence, and why should it cease at publication ? It does not follow from the fact of publication, that the author gives to the public more than the right of perusing, reselling, destroying, if you please, the copies ; he does not necessarily part with the privilege of being himself the only person authorized to multiply copies by republish-

ing the work. Why suppose this? Look at the consequences. The author may not only lose the expected profit, but also his actual expenditure. He is no longer the master of his own name. He parts with every control over the correctness of his own work. He cannot prevent additions, nor retract errors. He can neither amend nor cancel a faulty edition. His imperfections may be perpetuated against his will, and sentiments of which he disapproves, repents, or is ashamed, may be propagated without his control. Neither the manner of the publication, nor the person by whom it is to be done, is at his option. In a word, the author would be entirely at the mercy of others, and his literary reputation, in respect of which most men are as justly sensitive as of their honor, would be disfigured and marred without redress. The term, *piracy*, sufficiently designates public sentiment, in its application to literary pilfering.

What then, — to sum up the argument for authorship, on this point, — is the foundation of the right? Simply, justice. It is eminently just that every man should reap the rewards of his own labor and invention. It is just that another should not use his name, to his own profit, without his consent. It is expedient too, as well as just, that an author should judge when, if ever, to publish; that he should select the manner and the extent of the publication, and the persons to whose honesty and accuracy the work shall be intrusted. In a word, it is just that each one should do with his own as he pleases.

And shall any distinction be made to the disparagement of the latter, between the labors of the body and those of the mind? Shall the nobler part of our nature have the worst treatment? Shall the workings of the spirit, with which his grosser portion has less to do than with any other operation of man, be placed lower in the scale of value than those wherein the body is the active minister? Shall we be behind the but half-civilized and warlike ancients in our regard for intellect and intellectual men? It is written what Alexander did, in the destruction of Thebes;

“The great Emathian Conqueror bade spare
The house of *Pindarus*, when temple and tower
Went to the ground.”

And even the rude Spartans made obeisance to the literary superiority of a vanquished rival.

— “ the repeated air
Of sad Electra’s poet had the power
To save the Athenian walls from ruin bare.”

It has been well said by the elder D’Israeli, that “ authors of all classes in the community have been the most honored and the least remunerated.” There can be no question of the truth of this remark. We have mentioned before some instances which would verify it. Others could readily be added. After a long life spent in the service of the booksellers, Smollet had scarce the ability to raise the funds to carry him to a cheaper residence, and a more genial air, in order to recruit his exhausted frame. He died in penury, and amid strangers. But after death there were not wanting honors in abundance. Ornamented columns rose to his memory, and his very grave seemed to multiply the editions of his works.

The class of authors seems, indeed, to be peculiarly entitled to protection by law, against improvident and necessitous bargains ; as young heirs or expectants of estates are prevented from ministering to the urgency of the moment, by the barter of future, and far more than compensatory, value. Experience has evinced the need of some such provision. And besides this, literary productions have special qualities or incidents not attached to most kinds of property. Their appreciation by the public is often very slow, and the tardiness of the acknowledgment is not seldom proportioned to the real merit of the work. “ *Paradise Lost* ” was sold for the sum of five pounds, with conditional stipulations for fifteen pounds more ; and lay, as we all know, in obscurity for many years. When true criticism discovered and displayed the gem, its value expanded almost beyond estimation. When Hume published the first volume of his *History*, it was received with such coldness and indifference, that its author would have abandoned his native country, disgusted and almost broken-hearted, had not war prevented him. More fortunate however in this respect than the poet, he lived to reap the profuse applause of his countrymen. No one would print the manuscript of “ *Robinson Crusoe*,” when offered by Defoe, till a bookseller of a speculative turn got hold of it for a trifle, and made a thousand guineas by it. Burn’s “ *Justice*,” and Buchan’s “ *Domestic Medicine*,” are books, which in England yield steady annual incomes ; they were procured from

their authors for a mere song. The “Vicar of Wakefield” was sold in the hour of distress,—of course for comparatively nothing; and “Evelina” produced the fair composer but five guineas. Some of our readers may remember how poor Chatterton was compelled by want to bring every production of his genius down to a statement of pounds, shillings, and pence, and to strike the balance of an account as the little incidents of life affected the current price of his ware. There was found among his papers a memorandum, stating “that by the death of the Lord Mayor of London, a political essay which he had penned, had been stopped in its publication. For it, he was to have received a small sum from the bookseller. He therefore puts down in the account we have referred to;

“Lost by the Mayor’s death, on this essay - £1 11s. 6d.
Gained however in Elegies and essays thereon £5. 5s.”

The favorable balance stands recorded thus ;

“I am glad he is dead by - - - - - £3. 13s. 6d.”

The copy-right law should be so altered as to extend its term at least to a century, for the benefit of the author and his representatives; or what would be much better (for it would guard in a great degree against his stripping himself of his future interest in the success of his performance), it should confer upon authors and their heirs a certain percentage on the profits of each edition, similar to what is, or at least what was done in France to the descendants of Corneille and Molière, who were entitled to a provision from the theatres, upon each representation of the plays of their great progenitors. Omitting, however, a discussion of that general question, we shall offer a few remarks upon a topic, which has been much agitated here and elsewhere.

By existing law, the rights of literary property are confined in their duration to the limits mentioned in the copy-right, which vests in authors and their representatives the exclusive enjoyment of their works, and the sole right of publishing and vending them for a term of years, renewable under certain conditions. These laws have, of course, no extra-territorial effect. Every other nation, therefore, regulates the matter in her own way; and ours confers upon foreign authors no privileges whatever; recognises no right of property in

their works ; protects their productions in no way against mutilation and piracy ; in a word, draws that distinction between the products of mind and those of matter, the injustice of which we trust has been sufficiently exposed. An effort has heretofore been made to remedy this grievous wrong, and to place this country, in the liberality of her legislation, at least upon a par with the monarchical governments of Europe. In England, the chief laborer in behalf of literary property is one who has adorned his profession of the law by the cultivation of his intellect, and the indulgence of a refined taste for letters, and who has connected his name for ever with the bright list of her scholars and poets ; we refer to Serjeant Talfourd, the distinguished author of “*Ion*.”

This subject was brought, not long since, to the notice of our community, by an address to the Congress of the United States from almost all the eminent living authors of Great Britain. They came to us, they said, as suitors for justice, — to ask protection for their property. And why should they not receive it ? Do we refuse it to their goods in other shapes ? If not, why withhold it from their writings ? Reciprocity and the comity of nations, should secure it at our hands. It is well known that in both England and France, American authors may claim the copy-right of their works, and enjoy all the fruit of their labors which the markets of those extensive countries afford. One of those nations is eminent for that refined courtesy, which postpones one’s self to the convenience and advantage of a stranger. Her museums and her galleries, her Institutes and her halls of learning, are opened widely and gratuitously to foreigners. Foreign genius is fostered ; foreign taste refined ; the productions of foreign talent welcomed. This is done not at all to her own disadvantage. She receives the full equivalent in various ways ; for it is an agreeable truth, as predicable of nations as of individuals, that no one ever suffers loss from his politeness. An American who has traversed France, encountering everywhere the attentions and the courtesy of her people ; who has scrutinized her repositories of art and science, enriching his mind and cultivating his taste ; who has found the very circumstance of his being a stranger a passport to consideration ; and who, if an author, has the full protection of the laws extended to the exertions of his intellect ; may well blush in answering the interrogatory of a native of that country, whether *his* works would be protected in the land of Cooper and Irving ?

It is a trite remark, that letters are not fostered by republics. If the governments of Greece or of Italy be appealed to as instances to the contrary, it is immediately answered, that literature in them flourished but under the auspices of some powerful families or individuals who have gained all the glory of its cultivation. It was Pericles who gave his name to the age. It was the Medici who laid the offering of wealth at the feet of genius. It was a Prince of Ravenna who received and cherished the great epic poet of Italy, when persecuted and driven from his native Florence by the violence of contending factions. The brightest era of Roman literature immediately succeeded that in which the Republic fell amid the tumult of arms, and was seen when an accomplished despot gathered around him the talent and the learning of his country. Still, there is no reason in the nature of things, why this charge against republics should longer be well founded. The day has gone by when republican virtue was thought safely to exist only by the side of rude simplicity ; when contempt for the arts and the graces of life was thought a virtue ; when brown bread and black broth were considered the only fitting food for young citizens. It has been long perceived that the refinements of social life, and the culture of the intellect, are not inconsistent either with personal virtue or with national security, while they are eminently conducive to national glory.

It is not our intention to dwell upon the details which an examination of this subject will furnish ; but merely to bring some of the more prominent points to notice. To convince our readers of the importance of the topics under review, with reference to the amount of pecuniary interest, partially at least, involved, we may mention the sum of money at stake in the book-making and publishing business here and in Great Britain. It is estimated that in the latter country about 1500 volumes of new publications are produced every year. This is exclusive of reprints, pamphlets, and periodicals ; and taking the average extent of the impression of each volume, this would yield the annual harvest of 1,125,000 volumes. Reprints, particularly of school books, are very frequent. Including these, and adding pamphlets, periodicals, and all other publications, and selecting an average publication price, the total value of works annually produced in Great Britain may be set down at £ 750,000. In the United States, the in-

crease of the book trade has taken place principally since the year 1803. Before that time few books were published, besides the Bible and some elementary school books. Every thing else was imported.

In the year 1803, that eminent bookseller, the late Matthew Carey, of Philadelphia, published, — the first, we believe, in America, who did so, — the Bible in the quarto form, and kept the types permanently standing. At this day, it is said, that 200,000 persons are connected with the manufacture of books, and the capital employed in the business is estimated at \$ 35,000,000. About \$ 500,000 worth of books, is each year sold at the public Trade-sales, held in different parts of the country, — a faint imitation of the famous book fairs at Leipsic, — and five bookselling establishments are said to have disposed, in the year 1836, of books to the amount of \$ 1,350,000.

Our literary propensities are, therefore, considerable. Of this, further proofs will be presented immediately. Whether they incline in the right direction, is a point of more doubt, upon which a word shall be said before closing our article.

A diminution, no doubt, in the profits of publishers, and in the convenience and enjoyments of American readers, would be experienced ; but it is not for us to enrich ourselves at the expense of foreigners. Valuable works, however, would not be excluded from the country. Authors are too eager for fame and for the wide dissemination of their productions, to prevent both by the excessive valuation affixed to them. Books which were worth the purchase would readily command publishers here. Of others, the land would be well rid.

Any increase of price, on the other hand, would be more than compensated by the superior style of the works. The present republications of English works are almost consumed in the use. They are printed to be read, not to be preserved. There can scarcely be such a thing as a careful or beautiful edition of a popular book, such is the race-horse speed of publication. When curiosity is gratified, there is not sufficient encouragement to authorize the issue of a second, correct and well-bound edition. The people are on tiptoe for some new romance of horrors, or some tale of the affections ; the publishers must gratify the desire for this new Cynthia of the minute ; and as it can be done at a moderate rate to pur-

chasers; and at great profit to themselves, every other consideration becomes of inferior moment.

Let us direct our attention for an instant to the extreme amount of injustice done to foreign authors by an appropriation of their property.

The field open to publication in the United States is of an extent perfectly unique. There is nothing of its kind, which can be compared to it, in any part of the world. In this country all classes read. Almost every man, woman, and child in the Union perused the novels of Walter Scott. They pervaded every nook and corner of our immense territory. They were found in the tavern and in the workshop, as well as in the study and the boudoir. The same may be said, though in a less degree, of some of his contemporaries and of his successors in the line of romance. Who reaped the benefit of these enormous issues? The author, who was in reality the manufacturer of so much property? Not a dollar reached his pockets. The profits were received by strangers, who had no claims to them but the prior appropriation and publication of them in this country. Take a single instance from the list of the Waverley novels; that of *Ivanhoe*. The circulation of this book in the United States, within a few years after its appearance in England, amounted to about fifty thousand volumes. How many have been since published, we are not informed. This was but one of twenty equally popular works. Can we conceive of a more splendid patrimony to have descended to the family of their great author, than that which might have been derived in America from the copy-right of his immortal productions? Can we fancy one more honorable as well as profitable? How readily might all the pecuniary difficulties, which darkened the evening of the life of the Knight of Abbotsford, have been relieved from such a source? The welcome tribute of a grateful people would have been poured into his lap in rich profusion; and those hours, which were embarrassed and harassed by pressing engagements, beyond his ability to discharge, and which compelled that glorious Northern luminary to set amid clouds, might have been passed in cheerful hilarity, brightened by an abundant harvest, the fruit of his own honorable exertions. Instead of the cheerless prospect of ruin and poverty opening upon his fading vision, and of the lordly castle which he had reared and decorated in the extreme of artificial beauty vanishing from his possession, like

one of his own mere fictions of the fancy, his latter days, so far as earthly considerations could have affected them, would have been spent in that freedom from care, that seclusion from the all-engrossing business of life, which are so desirable, nay, so essential to those who are drawing near to the tomb.

One topic of paramount importance we have not yet touched; the interests of American literature. What has been its condition heretofore? What is it now? It has been proclaimed by foreigners to be one of comparative mediocrity. Admitting the qualified truth of the charge, to what causes is it attributable? In reflecting upon this subject, we cannot but attach very great influence to the state of things growing out of the want of an international copy-right law. From this, have proceeded two consequences, each of them hostile to the progress of the American mind; one, the flooding of the country with the trash of the British press, and the other, the positive depression to which our native writers have been subjected. We will add a few remarks upon each of these points.

The introduction of the *Waverley* and other standard novels into the United States, at no cost to the publishers, and the desire on their part to extend their circulation, and with it, their profits, by the printing of very cheap editions, deluged the country with mere works of imagination and fiction. These so warped the public taste, that scarcely any thing else became desirable; and every romance, it mattered not how offensive to good taste, or deleterious in its influence upon public morals, was eagerly welcomed.* An occasional biography or book of travels relieved the monotony; but it may be safely asserted, that the tribe of novels composed three-fifths of the provender which was offered for the literary craving of Americans. The hunger for this species of writing, which, of all others requires the most rigid discipline to be even innocuous, grew with what it fed on; and the result was the banishment of the higher specimens of British literature from the hands of the great mass of readers. The older writers of England, poets as well as prose writers, became almost unknown. Bacon, Sir Thomas Browne, Milton, Spenser, Sir William Temple, not to mention the divines

* To use the graphic though homely expression of an English writer, our people were, on this head, "children in mental stature, and of course preferred sucking sugar-candy."

and metaphysicians of a somewhat early day ; who cultivated an acquaintance with these ? We speak not now of the few scholars who would, of course, hold such authors precious indeed, but of the community of readers. Shakspeare was preserved from falling into forgetfulness by the influence of the stage ; but who studied him critically ? To descend a little lower in the order of time, — passing by Dryden and the dramatists who succeeded Shakspeare (all entirely neglected), — and arriving at the Augustan age of English literature, — who, among the rising generation of the last twenty years, it may be asked, selected their reading from Pope or Addison, Prior or Swift, Steele or Arbuthnot ; or, to come still nearer to our own days, what countenance was bestowed upon Burke, Dr. Johnson, Cowper, Mackenzie, Goldsmith, Hume, and Stewart ? They were all forgotten in the rage for the newest romance. The impassioned poetry of Byron and Moore enchained hosts of admirers, and increased the distaste for more solid literary food.

What was the effect of all this upon our native writers ? May it not be truly said, that the national intellect was impelled, or, more properly, cornered into the production of only historical novels ? Nought else could gain popular favor. The higher walks of literary composition were deserted. No encouragement was proffered to an attempt at their cultivation. The American mind was, in the interim, undeveloped in its peculiar strength and dignity.

We have said that the efforts of native genius suffered depression. A few moments' reflection will convince us of the truth of the assertion.

Let us premise, that it is not intended to advocate protection to American mind, or to enroll it in the class of *tariffable* articles. There is talent enough among us, if it be but left untrammelled by artificial impediments ; and its developement will do all for the renown of the nation which the most ardent patriotism could desire, if popular taste do not drive it into a wrong channel. Free competition is the nurse of genius as well as of industry, while popular favor is its substantial food. What is asked for American writers, is equality, not protection. "A fair field and no favor," is their motto. It is well known, that but few in the category of authors are blessed with an abundance of worldly goods. Their poverty, indeed, has made them a standing joke for the satire of the drama. Few, born to wealth, have culti-

vated the muses ; and, though brilliant exceptions to the general remark may be pointed out, yet it remains a truth, that the fairest flowers in a nation's chaplet have been placed there by the hands of humble genius ; by men who have reaped but scantily of the smiles of fortune, and have looked for their reward to the applause of a more discriminating and a more generous age.

American authors have been forced to contend with the opposing interests of American publishers. There has been no inducement to purchase the manuscript of a native writer, when the work of a foreigner of established fame could be obtained without cost. The train of reasoning in the publisher's mind, which would lead him to reject the hazardous experiment of printing an unknown writer's maiden effort, or even of offering the proper equivalent for that of a native author, better known to the public, may readily be supposed, and is by no means unnatural. Under such a system, then, American literature has suffered deeply.

Other reasons for the depressed condition of letters in this country have been propounded, as well by our own writers as by foreigners. These have attributed the fact to the character of our government, — in other words, to free institutions, — and to the condition of our nation, which has necessarily made larger drafts upon the physical than upon the intellectual energies of the people. This latter circumstance has doubtless had its effect upon certain branches of literature. The call upon the great mass in this country to earn a livelihood by their own active exertions, has left but little leisure, heretofore, for the refinements of life ; and there are some departments of letters which are only cultivated in an advanced state of society. But we are not to forget, that it has ever been the characteristic of the highest grade in one of the most elevated walks of literature, epic poetry, to be developed in the infancy of society. The flame then seems to burn the brightest. The feeling of the bard appears nearer to nature. The energy of the epic would seem to be frittered away amid the refinements of a high social state. It is the grandeur and the strength of original conception which impart its peculiar value to epic verse. Homer sang, — who can say, how long ago ? — certainly in the infancy of Greece. Dante was the real father of his language. The first step in the progress of his beautiful tongue was to perfection. Milton is no example of the reverse. The revolution in England, and the introduction

of new dogmas in religion and politics, resolved society into its original elements. His subject, himself, and his times were primitive. The convulsion of the social fabric brought chaos again, and out of it, sprang forth a new world of thought and of feeling. Nature resumed her sway.

A late German traveller in this country, who has, unlike his tribe, erred only in being too partial, attributes much of our deficiency in this regard to the colonial vassalage in which we were held to England. He endeavours to prove, and he has partially succeeded, that the settled aim of the British government was to depress as well our minds as our physical greatness ; and that the effects of this course of policy endured long after our revolutionary war. His views, however, though generally correct, will not cover the whole ground. Sufficient time has elapsed, and circumstances powerful enough in themselves have occurred between the two countries, to neutralize, long ago, any constraint upon American talent arising from this source. And yet, we believe, the feeling has operated on us so far as to induce a looking to England for every thing great in literature, and to nourish a disregard of our own literary capabilities. It was never the case with us in other matters. No American, as he trod the field of combat, or walked the deck of one of his nation's battle-ships, ever experienced a sense of inferiority to the proudest of his race. On the contrary, true to his Anglo-Saxon blood, its possessor has ever felt, that with God's help, he would yield to no antagonist. But alas ! it has not been so in our appreciation of the literary capacities of America. We have by our own conduct given countenance and currency to the assertion of our intellectual inferiority.

What, then, directly results from these facts ? That with which foreigners have so often and so severely reproached us, the want of a national literature. This is a charge that may well excite the warm feelings of every American, and induce his eager attention to the causes of the evil and its correction.

No nation can be permanently great without a literature. Countries, like individuals, die to fame without a bard to sing of their deeds. Compare Babylon in all her wealth and Eastern magnificence, and with her millions of subjects, — enjoying every physical means to challenge security against the inroads of ages, — with that one city on the coast of Greece where Plato conversed and Demosthenes thundered. The

first would scarcely have left a name to excite the curiosity of the industrious antiquary, but that Sacred Writ has preserved her from oblivion as an awful memento of the ire of an offended God ; while the Grecian city suggests at once the pleasing imagination of every thing that is exalted, refined, and ennobling.

Have we no materials from which to construct this most precious of national possessions ? Are we to travel on in the pathway of time from youth to manhood, and thence perhaps to decay, with this humiliating confession on our lips ? All foreigners do not judge thus of us. Even an English writer has said, “ The great land of America must of course produce great poets and eminent men. With the deeds of their bold fathers before them ; with their boundless forests and savannas swarming with anecdote of solitary adventure ; with Niagara thundering in their ears, and the spirit of freedom hovering above them, it is clear that they do not lack material for song.” Neither, let it be added, do we lack material for any other form of letters. Like Hamlet’s flute, the music is there, if we knew but how to direct our breath into its hollow chamber. Are we deficient in materials of the most moving kind, for the drama, the romance, or even the epic poem ? Such might be furnished in abundance from our colonial history, or the events of our war of Independence. But we have one grand theme peculiar to the country, entirely unique in character, of the deepest interest in itself, and which would readily supply subjects for every species of composition. We mean the Indian race, their habits, origin, progress, decay, and dissolution. There is a mystery around these unfortunate sons of the forest, which adds not a little of the sublime to our thoughts about them. Whence came they ? is a question that often obtrudes itself upon the fancy. Are they the descendants of the scattered tribes of old Israel, vanished so marvellously from the page of history ? Or are they the children of the doomed inhabitants of Canaan, whom the wrath of God drove from their homes on the shores of the Mediterranean, and who rested in their flight from their Hebrew conquerors, only in a new world across the great ocean ? If so, alas ! “ tribes of the weary foot,” your last days are no happier or better than your first. The remnant of your race may now look upon the broad Pacific, and beyond is that ancient country, where, of old, your fathers had their seats, and where, should you return, you might en-

counter your former terrible victors, strangers like yourselves in the land of their ancestors. Imagination pleases itself in speculations about these red men; and at some future day, she will furnish us, we doubt not, in the higher regions of poesy, with efforts more honorable to our literature, because of loftier flight, than even those exciting and touching tales, in the humbler path of prose, trodden so successfully by our own Cooper.

Bryant has beautifully said;

“A noble race ! but they are gone
With their old forests, wide and deep,
And we have built our homes upon
Fields, where their generations sleep ;
Their fountains slake our thirst at noon,
Upon their fields our harvest waves,
Our lovers woo beneath their moon,
Ah ! let us spare, at least, their graves.”

Themes, indeed, are not wanting,—neither, we are persuaded, is the ability or the inclination to handle them. We need but to be true to ourselves; to foster and protect our own men of letters; not drive them for support or encouragement, to the protection of strangers.

ART. VI. — 1.

南越洋合字彙
or 南越洋合字彙 ;

*Nam Viet Duong Hiep Tu Vi ; i. e. Dictionarium An-
amitico-Latinum primum inceptum ab Illustrissimo et
Reverendissimo P. J. Pigneaux, Episcopo Adranensi, Vi-
cario Apostolico Cocincinae, etc. ; dein absolutum et edi-
tum à J. L. Taberd, Episcopo Isauropolitano, Vicario
Apostolico Cocincinae, Cambodiae et Ciampae, Asiaticae
Societatis Parisiensis, nec non Bengalensis Socio Hono-*